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## Lower Willamette Group

Co-Chairperson: Trey Harbert, Port of Portland

Co-Chairperson: Bob Wyatt, NW Natural

Treasurer: Larry Patterson, ATOFINA

May 1, 2002

Wallace A. Reid  
Project Manager  
US EPA  
1200 Sixth Avenue, ECL-115  
Seattle, WA 98101

Chip Humphrey  
Project Manager  
US EPA  
811 SW Sixth Avenue, 3rd Floor  
Portland, OR 97204

Tara Karamas  
US EPA  
Region 10  
1200 Sixth Avenue  
Seattle, WA 98101

RE: Portland Harbor Superfund Site

Dear Wally, Chip and Tara:

We have received and reviewed EPA's April 25, 2002 letter extending the time for submission of a number of workplan deliverables and requesting submission by May 9 of summaries of certain information to be contained in these deliverables. We believe that the contents of the letter and the information provided to us by our consultants indicate a serious communication problem that needs to be quickly addressed to allow us to meet our shared vision of an expedited RI/FS for Portland Harbor.

As we negotiated the AOC and SOW for an expedited RI/FS with EPA, we understood that regular meetings in lieu of interim deliverables were an essential component of our joint strategy to expedite the RI/FS at Portland Harbor. We believe the parties agreed that flexibility was necessary to meet a compressed work plan development schedule in order to complete field work in 2002, just as flexibility was necessary for us to complete the 2001 field work in the absence of a signed AOC. We continue to hope that EPA will find that our early and intense collaboration with EPA and its partners has the potential to shave years from the typical sediment site RI/FS and will make Portland Harbor a model Superfund project.

We believe that the ad hoc technical workgroups have been a productive forum for RI/FS planning. We agree that it would be useful for the ad hoc groups to exchange written materials, and, before we received EPA's April 25 letter, we had instructed our attorneys to work with Elizabeth McKenna to explore how we could share draft written materials with EPA and its partners but contain the



dialogue on these draft documents within the immediate project team. On April 26, we provided EPA with written laboratory information requested by EPA technical staff.

Based upon EPA's April 25 letter, however, we are concerned that the ad hoc workgroups are not functioning as contemplated. The Lower Willamette Group's consultant team is comprised of the most highly regarded professionals in the Northwest in their individual disciplines. We have required these consultants to work virtually exclusively on this project in order to meet EPA and the LWG's joint goal of a three year RI/FS. Although the ad hoc meetings pull them away from work plan preparation, our consultant team believes that the ad hoc workgroups have made significant progress toward a common vision for the RI/FS that will translate to a more expedited EPA review process. In fact, our consultants believed that they were in agreement with EPA technical staff at the April 24 ad hoc meeting that the summary information that was subsequently requested in EPA's April 25 letter would be provided as a presentation on May 15, rather than as an earlier deliverable. EPA's subsequent letter requiring this information to be submitted May 9 and suggesting that EPA may at that time decide to write the RI/FS workplan itself indicates a serious level of miscommunication between EPA and the LWG.

The ad hoc workgroups were intended for the informal exchange of technical information and as a place for our technical teams to think aloud. Instead, the ad hoc workgroups have resulted in requests for a number of additional deliverables not required by the AOC and, apparently, in such a level of concern that EPA is contemplating writing the RI/FS workplan itself. At this point, we recommend that no further ad hoc meetings or discussions take place until an understanding is reached between EPA and LWG project managers on operating protocols for the workgroups. For example, we believe that EPA staff requests for the preparation of interim technical documents should be directed through the EPA project managers, who should confer with the LWG project managers about whether the preparation of these documents at this time furthers overall project goals in light of the significant LWG work commitments and tight schedule under the AOC. We think it would be appropriate and desirable for EPA and LWG project managers to participate in the ad hoc meetings and discussions to keep those discussions on track with larger project goals.

In the meantime, we request that the scheduled May 10 ad hoc meeting become a full EPA and LWG meeting led by EPA and LWG project managers to address EPA comments on the Preliminary Analytical Concentration Goals and Round 1A Sampling and Analysis Plan deliverables. The scheduled May 15 meeting to discuss the May 9 submittals should also become a full EPA and LWG meeting. Subsequent to the May 15 meeting, our consultant team will be extremely busy preparing the June 7 and June 14 deliverables, and we do not anticipate the need for additional meetings prior to submission of the work plan. With respect to the interim deliverables requested in EPA's March 22 letter, which EPA seeks immediately but are not deliverables per the AOC, we similarly understood from our consultant team that they were working through these issues amicably with EPA technical staff and that EPA technical staff understood that these documents would be shaped through ongoing discussions in the ad hoc workgroups. Again, there appears to be a significant level of miscommunication between the workgroups and the project managers.

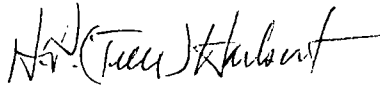
The documents requested in your April 25 letter in exchange for the schedule extension will be submitted as requested. In addition, we propose to submit the documents listed in EPA's March 22 letter as follows:

- (1) A draft map of areas to be evaluated as potential human use areas, updated as requested at the project meeting on April 3, 2002 with City of Portland zoning information, will be submitted to EPA on May 1.
- (2) Draft criteria and data used to select target fish species for human health and information on home ranges of these fish will be submitted to EPA on May 1.

- (3) EPA's request for revised data quality objectives is confusing. The DQOs deliverable required by the AOC (§VII.4.B.i.b.) evaluates the usefulness of existing data. This deliverable was submitted on December 21, 2001, and the LWG has received no comments from EPA requesting revisions to the deliverable. The DQOs requested in EPA's March 22 letter were "all data quality objectives for the site." Consistent with workgroup discussions, draft DQO problem statements will be submitted to EPA on May 1. Draft DQOs will be submitted to EPA May 9.

As you know, despite a very aggressive schedule and a heavy workload, progress at this site is exemplary. We look forward to working with you to keep this complex and challenging project on track.

Please give either of us a call if you have any further questions or concerns.



Trey Harbert  
Co-Chair



Larry Patterson  
Treasurer

cc: LWG Executive Committee  
LWG Legal Committee